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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,218	11/14/2001	Andrew Chien	MR1957-619	6728

4586 7590 02/08/2005

ROSENBERG, KLEIN & LEE  
3458 ELLICOTT CENTER DRIVE-SUITE 101  
ELLICOTT CITY, MD 21043

EXAMINER

MISTRY, O NEAL RAJAN

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/987,218	<b>Applicant(s)</b> CHIEN ET AL.	
	<b>Examiner</b> O'Neal R Mistry	<b>Art Unit</b> 2173	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 4-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This application has been examined.

Claims 1, 4-6 are presented for examination.

#### ***Drawings***

The Examiner contends that the drawings submitted on 11/14/2001 are acceptable for the examination proceedings.

#### ***Response to Arguments***

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ballard (U.S. Patent Number 6,727,916) in view of Applicants Admitted Prior Art (AAPA).

Ballard teaches that a handheld device allows a user to chat online by using a micro-browser. The micro-browsers allows the user to enter text by manual pressing the key pad or allowing a fast simple way by operating the quick menu. In addition, Ballard discloses a local user joining a message chat room (col. 3 line 65-67). The examiner asserts that the micro-browser allows the user to access chat sessions, that are happening in real-time. Furthermore, Ballard discloses if the user has pressed the key for forwarding the message, providing a structuralized, modularized and hierarchy message menu to the user, else the local user waiting for a plurality of pre-established reply messages provided by a server or a remote cellular phone and the local user pressing a send key after selecting a replay message (col. 10 lines 39-60). The examiner asserts the user may press a button "4", which will bring up the Quick Text Menu (col. 10 line 39-41). The Quick Text Menu is setup to have a variety of categories like Meetings, Greetings, and etc (Figure 5). The user may scroll through the Quick Text Menu, and choose any of the predefined greetings. The choices are highlighted, and sent to the server where after the sever has received the message from the micro-browser, the screen on the handheld device is updated. In addition, the user may also edit the predefined text to allow the user to customize the message (col. 10 lines 60-62).

The difference between the claims and Ballard is the claims recite "whereby, the message had a packet format comprising a user defined length (UDL), a user defined head length (UDHL), a plurality of information element identifiers (IEI), a plurality of information element identifier data lengths (IEIDL), and a plurality of information element data (IED)".

The admitted prior art teaches, in Figure 1 & page 3, a message packet for sending information back and forward between two different devices similar to that of Ballard. In addition, the prior art further teaches whereby, the message had a packet format comprising a user defined length (UDL) (Figure 1, item 11), a user defined head length (UDHL) (Figure 1, item 12), a plurality of information element identifiers (IEI) (Figure 1, item 12, Note that even though item 12 is IEIa, it is very similar because it also has an information element identifier), a plurality of information element identifier data lengths (IEIDL) (Figure 1, item 14. Note that even though item 12 is IEIDLa, in the message packet, it is also an information element identifier data length), and a plurality of information element data (IED) (Figure 1, item 15. Note that even though item 15 is IEDa, in the message packet it is also an information element data).

It would have been obvious to one of ordinary skill in the art, having the teachings of Ballard and admitted prior art before him at the time the invention was made, to modify the messaging system of chat session taught by Ballard to include the a specific method of packaging the information into the message packet of the admitted prior art, in order to obtain a system on a handheld machine that allows a user to operate pre-established text in a chat session to send the information in the message packet format.

One would have been motivated to make such a combination because the message packet will allow a variety of information to be transmitted between a server and a handheld would have been obtained, as taught by the admitted prior art. Further,

a useful method of typing in text into a handheld would have been obtain to allow user to quickly communicate to other members within the chat session, as taught by Ballard.

***Allowable Subject Matter***

The indicated allowability of claim 1 is withdrawn in view of the newly discovered reference(s) to the admitted prior art within patent application. Rejections based on the newly cited reference(s) follow. Further review of allowable subject matter, the examiner concluded that a new rejection on claim 1 was proper by Ballard in view of admitted prior art because the claim limitations of user defined length (UDL), a user defined head length (UDHL), a plurality of information elements identifier (IEI), a plurality of information element identifier data lengths (IEIDL), and a plurality of information element data (IED) are disclosed by the application. The examiner respectfully regards the oversight, of the limitation.

Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The reason for allowance of the dependent claims 4-6 stated over the prior art are the reserved code values of 21, forward message and 22, reply message within the packet. The examiner after further examination has concluded that the reserved codes of 21 & 22 are indicated as a functions within the prior art. The reserve code 21 allows the system to send the actual message across so another user may be able to view the message on their handheld device, and the reserve code 22 allows the system to display at the bottom of the screen a set of pre-installed message to be used if preferred

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by the user to send quickly in reply to incoming message. The messages that are being displayed are depended on the incoming message. The ability to display pre-installed message at the bottom of the screen depending on the incoming message from a chat room by the network system is a novel concept. This allows a user to rapidly respond to arriving message and creates a more flowing conversation.

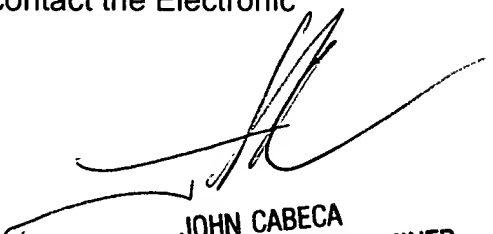
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to O'Neal R Mistry whose telephone number is (571) 272-4052. The examiner can normally be reached on 9am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O'Neal Mistry  
Assistant Patent Examiner  
Art Unit 2173



JOHN CABECA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

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[o'neal.mistry@uspto.gov](mailto:o'neal.mistry@uspto.gov)